

49.120 When claims must be presented.

- (1) All claims must be filed with the commission within one (1) year from the time the claim for relief accrued.
- (2) The claim for relief shall be deemed to accrue at the time of the negligent act with regard to property damage.
- (3) The claim for relief for personal injury shall be deemed to accrue at the time the personal injury is first discovered by the claimant or in the exercise of reasonable care should have been discovered; however, no action for personal injury shall be commenced beyond two (2) years from the date on which the alleged negligent act or omission actually occurred.
- (4) Notwithstanding subsection (3) of this section, the claim for relief for medical malpractice shall be deemed to accrue at the time the personal injury is first discovered by the claimant or in the exercise of reasonable care should have been discovered; however, no action for personal injury as a result of medical malpractice shall be commenced beyond three (3) years from the date on which the alleged negligent act or omission of malpractice actually occurred.
- (5) If at the time the alleged negligent act or omission occurred or if at the time the claim for relief accrued or thereafter, the claimant is an infant or of unsound mind or under any other legal disability to file suit, a guardian or next friend or committee or other qualified representative shall bring such action in the commission on behalf of such person within the same time limitation set forth herein or the claim is barred, notwithstanding KRS 413.170 and 413.280. If there is no guardian or committee or he is unwilling or unable to act or is himself a claimant, the commission shall appoint a guardian ad litem to represent the interests of the claimant under legal disability. The commission shall allow the guardian ad litem a reasonable fee for his services, to be taxed as costs.

Effective: June 29, 2017

History: Repealed, reenacted, renumbered, and amended 2017 Ky. Acts ch. 74, sec. 12, effective June 29, 2017. -- Amended 1990 Ky. Acts ch. 176, sec. 1, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 499, sec. 6, effective July 15, 1986. -- Amended 1966 Ky. Acts ch. 255, sec. 53. -- Amended 1962 Ky. Acts ch. 304, sec. 2. -- Amended 1958 Ky. Acts ch. 52, sec. 5. -- Amended 1950 Ky. Acts ch. 50, sec. 4. -- Created 1946 Ky. Acts ch. 189, sec. 3(a).

Formerly codified as KRS 44.110.

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